

000365

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE)

114

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services3. DATE:
August 20, 2007

10/23

4. SUBJECT:

Sewer Easement Vacation in Lot 6 of Siempre Viva Business Park Map No. 12659

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)

G. Bollenbach Ext. 65417 MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)

Anne Hoppe Ext. 65290 MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND						9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT						

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	8/30/07	4	DEPUTY CHIEF	<i>[Signature]</i>	9/12/07
2	EAS	<i>[Signature]</i>	9/3/07				
		<i>[Signature]</i>	9/7/07	5	CITY ATTORNEY	<i>[Signature]</i>	10/1/07
3	LIAISON OFFICE	<i>[Signature]</i>		6	ORIG. DEPT	<i>[Signature]</i>	10/5/07
					DOCKET COORD:	<i>[Signature]</i>	COUNCIL LIAISON: <i>[Signature]</i>
					COUNCIL PRESIDENT	<i>[Signature]</i>	
					<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
					<input type="checkbox"/> REFER TO:		COUNCIL DATE: 10/23/07

11. PREPARATION OF:

☒ RESOLUTIONS☐ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

1. Authorizing the vacation of an unneeded sewer easement in Lot 6 of Siempre Viva Business Park Map No. 12659 as shown on Engineering Drawing No. 20727.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 8

COMMUNITY AREA(S): SAN YSIDRO

ENVIRONMENTAL IMPACT: THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES
SECTION 15060 (C) (3)

HOUSING IMPACT: NONE

OTHER ISSUES: NONE

ATTACHMENTS: VICINITY MAP, 20727-B, LEGAL DESCRIPTION

WORK ORDER NO. 427943 PTS NO. 132008

000367

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 20, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services

SUBJECT: Sewer Easement Vacation in Lot 6 of Siempre Viva Business Park Map No. 12659

COUNCIL DISTRICT(S): 8

STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of unneeded sewer easement in Lot 6 of Siempre Viva Business Park Map No. 12659

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

This easement vacation is located in the San Ysidro Community Plan area, on the west side of Melksee Street south of Siempre Viva Road. This project consists of vacating a sewer easement that was granted to the City on the Final Map Siempre Viva Business Park Map No. 12659 over five years ago at no cost to the City. As shown on Engineering Drawing 33544-D, the sewer is to be private. There are no other facilities in the easement; therefore, there is no longer a need for the easement. There is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

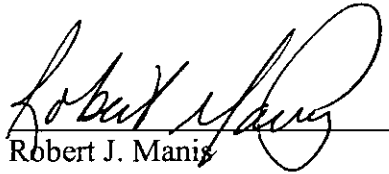
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action

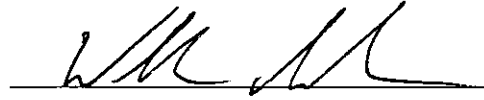
000368

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Siempre Viva Business Park West, LLC



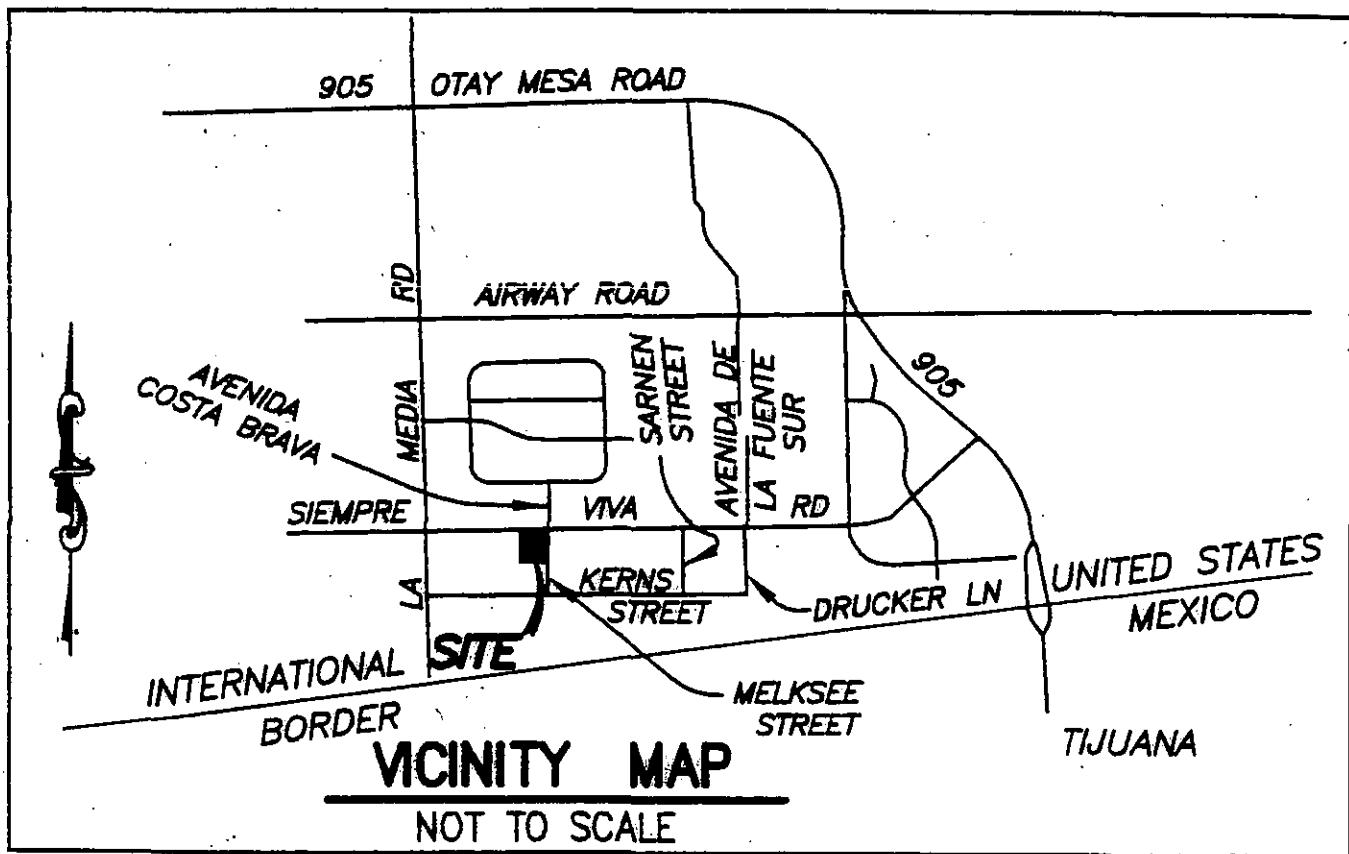
Robert J. Manis
Deputy Director
Entitlement Division-
Development Services



William Anderson, Acting
Deputy Chief of Land Use and
Economic Development

000369

SEWER EASEMENT VACATION



W.O.#427943 PTS 132008

6115

000371

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides a procedure for the summary vacation of easements (pursuant to California Streets and Highways Code section 8330 et. seq.) by City Council resolution where the easement to be vacated has been has not been used for the purpose for which is was acquired for five consecutive years and there are no other public facilities located within the easement; and

WHEREAS, the affected property owners have requested the vacation of the unnecessary sewer easement in Lots 6 and 7 of Siempre Viva Business Park Map No. 12659 as depicted on Engineering Drawing No. 20727-B, to unencumber their property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the water easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land made available by the abandonment; and

(c) the vacation is consistent with the General Plan or an approved Community Plan; and

(d) the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

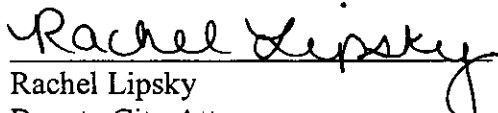
1. That the sewer easement located within Lots 6 and 7 of Siempre Viva Business Park Map No. 12659, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20727-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

3. That from and after the date this resolution is recorded, the public service easement vacated no longer constitutes a public service easement.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Rachel Lipsky
Deputy City Attorney

RL:pev

10/01/07

Or.Dept:DSD

R-2008-288

MMS #5326

EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

000373

EXHIBIT "A"

**LEGAL DESCRIPTION
SEWER EASEMENT VACATION**

ALL OF THAT SEWER EASEMENT GRANTED OVER THE SOUTHERLY 15.00 FEET OF LOT 6 OF SUBDIVISION MAP NO. 12659, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE SAID COUNTY RECORDER'S OFFICE ON JULY 5, 1990. AS FILE NO. 1990-365349.

ATTACHED HERETO IS A DRAWING NO.20727-B LABELED EXHIBIT "B" AND BY THIS REFERENCE IS MADE A PART HEREOF.

AREA = 0.081 AC

PREPARED BY ME OR
UNDER MY DIRECTION

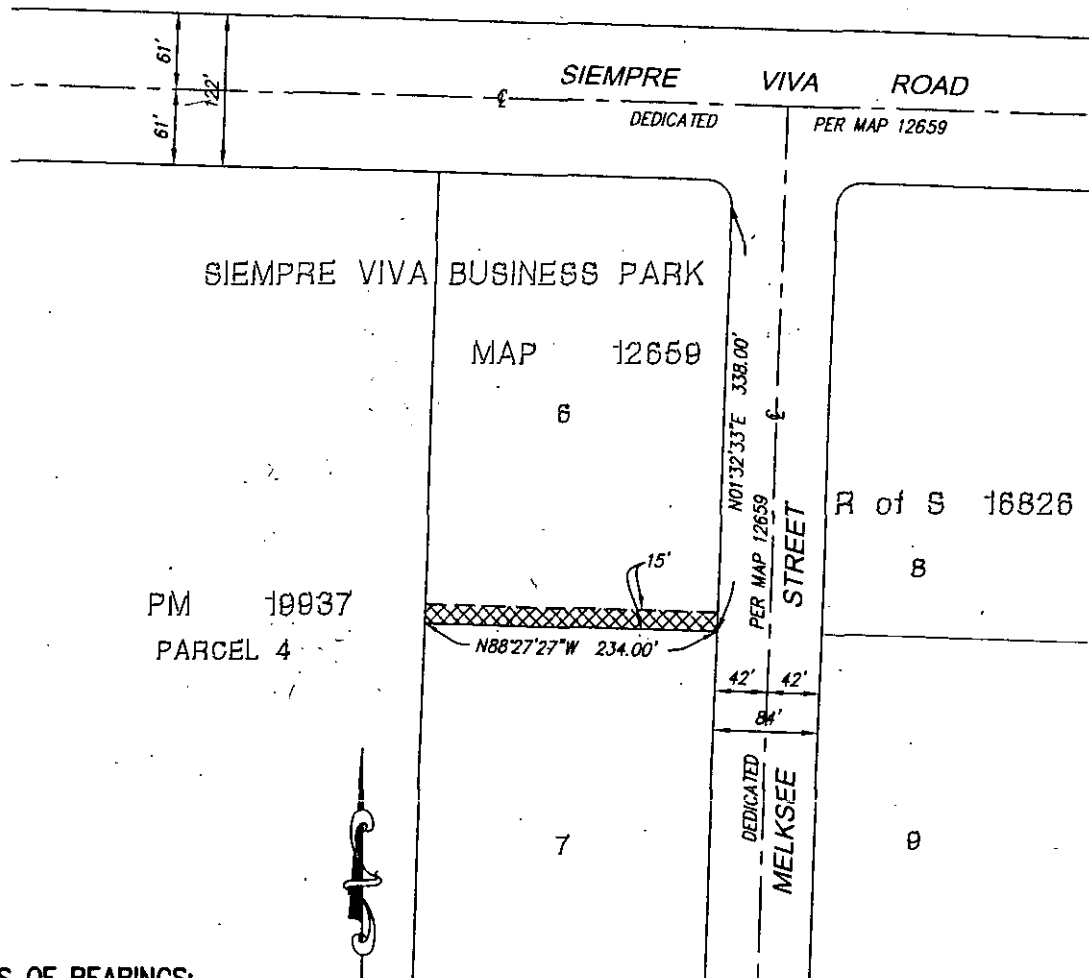

DENNIS W. GOOD LS 8084



PTS NO. 132008
J:O NO. 427943
DWG NO. 20727-B

000374

EXHIBIT "B"

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS
PLAT IS THE EASTERLY BOUNDARY
LINE OF MAP No. 12659. I.E.
N0°31'51"W.

PLAN

SCALE: 1"=100'

REFERENCE DRAWINGS

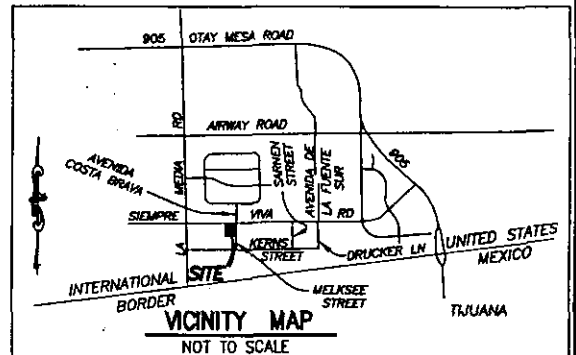
MAP NO. 12659, R.O.S. 16826
PM NO. 19937, 3019B-13-D
33544-3-D

ASSESSOR'S PARCEL NO.

667-071-06

LEGEND

SEWER EASEMENT GRANTED PER MAP 12659 VACATED.

**K&S ENGINEERING**

Planning Engineering Surveying

(619)296-5565

DENNIS W. GOOD, L.S. 8084

DATE EXP. 12-31-07

7801 Mission Center Court, Suite 100
San Diego Ca. 92108**SEWER EASEMENT VACATION**

LOT 6 MAP No. 12659

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	J.O.# 427943 PROJ.# 132008
ORIGINAL	K&S	AEA	7-31-07		FOR CITY ENGINEER	1781-6343 CCS83 COORDINATES
					DATE	140-1781 LAMBERT COORDINATES
						20727-B
STATUS						